

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WYETH,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-222 (JJF)
)	
IMPAX LABORATORIES, INC.,)	
)	
Defendant.)	

**STIPULATION AND ORDER
REGARDING EFFEXOR XR®**

IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, that the following facts and issues are undisputed and admitted for purposes of this action:

1. Wyeth markets in the United States Venlafaxine HCl Extended-Release Capsules, in 37.5, 75 and 150 mg dosage strengths, under the trade name Effexor XR®. (“Effexor XR® Extended Release Capsules”).

2. Impax admits that, in accordance with this Court’s claim construction dated December 13, 2007 (the “Claim Construction Order”) (D.I. 315-316), the administration of Effexor XR® Extended Release Capsules in the United States to a patient in need thereof would be covered by asserted claims 20 through 25 of United States Patent No. 6,274,171 B1, claims 1, 2, 13, and 14 of United States Patent No. 6,403,120 B1, and claims 1 through 6 of United States Patent No. 6,419,958 B2.

The parties make this stipulation without prejudice to or waiver of their rights on any appeal of any judgment of this Court.

Dated: February 26, 2008

/s/ Karen Jacobs Louden

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Attorneys for Defendant Impax Laboratories Inc.

SO ORDERED this ____ day of February, 2008.

The Honorable Joseph J. Farnan, Jr.
United States District Court Judge

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